3. No action or other proceeding shall be had or taken, or be sustainable, against any officer for anything done by him previous to the passing of this Act, in or relating to, the imposition or levying of any such water-rates heretofore imposed or levied with the sanction of the [1] [State Government]. Indemnification for acts done before passing of Act.

[2] * * * *

MADRAS ACT No. II OF 1866. [3]

[THE MADRAS CATTLE-DISEASE ACT, 1866.]

[*16th March 1866*; *17th April 1866.*]

An Act for the prevention of the spread of disease among cattle in the Madras Presidency.

WHEREAS it is expedient to take measures to prevent the spreading of contagious or infectious diseases among animals in the Presidency of Madras, and, with that object, to prescribe by law in what way animals so infected shall be dealt with; It is hereby enacted as follows:— Preamble.

1. This Act shall be put in force in such districts, or parts of district and during such periods of time, as the [4] [State Government] [5] [or subject to [6] (their) control the Board of Revenue] may, from time to time, direct by notification in the [7] [Official Gazette]. Act to be extended to such places, and during such period of time, as the State Government think proper.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] As to original section 4, *see* footnote to-section 1 supra.

[3] Short title, "The Madras Cattle-disease Act, 1866" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Act has been extended by notification under section 5 of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to the taluks of Bhadrachalam and Rakapilli in the Godavari district—*see Gazette of India*, 1879, Part I, p. 630, and *Fort St. George Gazette*, *ibid*, p. 722.

Madras Act I of 1879 is to be read with this Act.

The Act is in force in the Nugur taluk of the East Godavari district in virtue of section 2 (1) of Central Regulation I of 1909.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[5] These words were inserted by the Madras Decentralization Act, 1914 (Madras Act VIII of 1914).

[6] This word was substituted for the word "his" by the Adaptation Order of 1937.

[7] These words were substituted for the words "*Fort St. George Gazette*" by *ibid.*

Interpretation-clause.

2. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

"Magistrate."

the word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate :

Number.

words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number :

Gender.

words importing the masculine gender shall include the feminine :

"Animal."

the word "animal" shall mean any camel, buffalo, horse, pony, ass, bull, bullock, cow, heifer, calf, sheep, lamb, goat, kid or swine.

Establishment of hospital-pounds.

3. Whenever this Act shall have been applied, as above provided, to any district, or part of a district, hospital-pounds shall be established in such places as the Magistrate of the district, [1] [or, in the City of Madras] [2] [the Commissioner of the Corporation] shall determine, and keepers shall be appointed to such pounds by the said Magistrate. [3] [Or Commissioner, as the case may be].

The village or villages by which every hospital-pound is to be used shall be determined and notified by the Magistrate.

Notice by owner of cattle attacked by disease.

4. Whenever, in any district or part of a district to which this Act has been extended as above provided, any animal is attacked by any contagious or infectious disease, it shall be the duty of the owner, or of the person in charge thereof, to give immediate notice to the keeper of the hospital-pound provided for the village or township in which the animal may at the time be.

Examination by pound keeper.

5. On receiving notice as aforesaid, the keeper of the hospital-pound shall, as soon as possible, examine the animal and shall decide whether it is necessary to place it in the hospital-pound for treatment.

Removal to the hospital-pound.

[4] [**6.** If the keeper of the hospital-pound should be of opinion that the animal has any contagious or infectious disease, he may thereupon require the owner of the animal or the person in charge thereof to place it in the hospital-pound.]

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[1] These words were inserted by Madras Act I of 1879, s. 1.

[2] These words were substituted for the words "the President of the Municipal Commission" by s. 3 of the Madras Cattle-disease (Amendment) Act, 1921 (Madras Act III of 1921).

[3] These words were added by section 3 (1) for and the second schedule to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[4] Section 6 was substituted by section 2, *ibid*.

Inspection of places in which animals suspected to be diseased, are found.

7. Every keeper of a hospital-pound, or person thereto authorized by the Magistrate of the district, [1] [or, in the City of Madras] [2] [the Commissioner of the Corporation,] shall have power, within the range for which he is appointed, to enter upon and inspect any premises or place in which any animal or animals, which he suspects to be labouring under any contagious or infectious disease, may be found, and to examine and inspect, whenever or wherever he may deem necessary, any animal or animals which he suspects to be labouring under such disease, and to require the removal of such animal or animals to the hospital-pound for the range.

Cleansing of premises in which diseased animal has been or is. Disinfection of fodder, etc.

8. Every keeper of a hospital-pound, or person thereto authorized by the Magistrate of the district, [1] [or, in the City of Madras,] [2] [the Commissioner of the Corporation,] shall have power, within his range, to cause to be cleansed and disinfected, in any manner which he may think proper, any premises in which any animal labouring under any contagious or infectious disease has been or may be, and to cause to be disinfected, and, if necessary destroyed, any fodder, manure or refuse-matter which he may deem likely to propagate the said disease.

Expenses for food and treatment by whom to be borne.

9. From the time when any animal affected as aforesaid is taken charge of by the keeper of the hospital-pound, all expenses incurred on account of feeding and medical treatment for the said animal shall be borne by the cattle-pound fund established under Act III of 1857 [3] unless the owner, or person in charge thereof, desires to supply the food and medicines himself: Provided always that such food and medicines shall be such as the keeper of the hospital-pound may approve or direct.

Power to destroy diseased animals.

10. The keeper of the hospital-pound, or other person thereto authorized by the Magistrate of the district, [1] [or, in the City of Madras,] [2] [the Commissioner of the Corporation,] shall be empowered to destroy any animal either before or after it has been impounded as aforesaid, whenever it shall appear to him to be necessary to prevent the spread of contagion or infection.

Burial of carcass.

When any animal shall have been so destroyed, or shall die whilst in charge of the keeper of the hospital-pound, it shall be the duty of the said keeper to have the carcass of the said animal buried at least six feet below the surface of the ground, and any cost incurred in so doing shall be met from the cattle-pound fund.

Bar of claim to compensation.

No compensation shall be claimable in respect of any loss incurred by reason of any act authorized by this section.

[1] These words were inserted by Madras Act I of 1879, s. 1.

[2] These words were substituted for the words "the President of the Municipal Commission" by s. 3 of the Madras Cattle Disease (Amendment) Act, 1921 (Madras Act III of 1921).

[3] The references to this Act should be read as if made to the Cattle-trespass Act, 1871 (Central Act I of 1871), *vide* s. 2 of the latter Act.

Owner to pay costs for animal cured.

11. Should an animal impounded as aforesaid recover from the disease under which it may have been labouring, the owner or person who was in charge thereof shall pay to the keeper of the hospital-pound, to be placed to the credit of the cattle-pound fund, the actual cost of the feeding and treatment of such animal.

Recovery in case of default.

Should he fail to pay the expenses aforesaid, then the said animal shall be sold by auction, and the sum realized by its sale, after deducting the amount of the expenses, shall be paid over to the owner, or the person who was in charge :

Owner when not chargeable.

Provided always that, in such cases as the owner or person who was in charge may elect to supply food and medicine, he shall not be required to pay any charges whatever.

Bar to removal, without licence, of animal in contact with diseased cattle.

12. No person having in his possession or under his custody, any animal which has been in the same shed or stable, or in the same herd or flock, or in contact, with any animal labouring under any contagious or infectious disease, shall remove such animal alive from his land or premises without the licence of the keeper of the hospital-pound for the range, or of some person authorized by the Magistrate of the district, [1] [or, in the City of Madras,] [2] [the Commissioner of the Corporation] to grant such licence.

Licences.

Every such licence shall be in writing, and shall only permit the removal of such animal to some place where it can be conveniently kept apart from all other animals, until the hospital pound-keeper or other person authorized as aforesaid, is satisfied that there is no reasonable probability of such animal propagating the disease.

Penalty for failing to give notice when animal is attacked by disease.

13. If any person who may be in charge of any animal at the time of its being attacked by a contagious or infectious disorder shall fail to give notice to the hospital pound-keeper of the village, as required in section 4, the said person shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees five for every instance of such neglect, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

Penalty for refusing to obey directions of cattle pound-keeper, etc.

14. Any person who shall fail to comply with the directions of a hospital pound-keeper, or of a person duly authorized by the Magistrate of the district, [1] [or, in the City of Madras] [2] [the Commissioner of the Corporation] in that behalf, as to the impounding any diseased animal ; or to the disinfecting any premises or place where any diseased animal may have been kept ; or to the disinfecting or destroying any fodder, manure and refuse-matter which may be likely to propagate the disease ; or who may remove, without a licence, any animal which has been in the same shed or stable, or in the

[1] These words were inserted by Madras Act I of 1879, s. I.

[2] These words were substituted for the words " the President of the Municipal Commission " by s. 3 of Madras Act III of 1921.

same herd or flock, or in contact with any animal labouring under any contagious or infectious disease,—shall, on conviction before a Magistrate, be liable, for every such offence, to a fine of twenty rupees, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

Penalty for opposing seizure and impounding of diseased animals.

[1] [**15.** In any district or part of a district in which this Act is in force, hospital pound-keepers, all police officers not below the rank of a sub-inspector and such other persons as the Magistrate of the district or, in the City of Madras, the Commissioner of the Corporation, may specially empower, may seize and impound all animals suffering from contagious or infectious disease, and any person who shall forcibly oppose such seizure, or who shall forcibly rescue the animals after such seizure, shall be deemed to have committed an offence punishable under section 186 of the Indian Penal Code.]

Central Act XLV of 1860.

Complaint of seizure by owner.

16. Any person whose animals shall have been seized as being diseased may prefer a complaint against the seizure, at any time within ten days from the date thereof, to any Magistrate.

Form of complaint.

The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances.

Procedure thereon.

If, on examination of the complainant or his agent, the Magistrate shall see reason to believe the complaint to be well founded, he shall summon the party complained against; and shall proceed to make a summary inquiry into the case.

If the seizure be adjudged illegal, the Magistrate shall award to the complainant such damages as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure, together with all expenses incurred by the complainant in procuring the release of the animals; or, if the animals have not been released, the Magistrate, in addition to the award of damages, shall make an order for their release, and shall direct that the expenses leviable under this Act shall be paid by the party who made the seizure.

The amount of all damages and expenses so awarded shall be recoverable according to the process prescribed in Act No. V of 1865 (Madras) for the recovery of forfeitures or penalties imposed under the authority of Act XXIV of 1859.

Fees and fines to be credited to the revenues of the State.

17. All fines levied under this Act shall be credited to [2] [the revenues of the State] :

[1] Section 15 was substituted for the original section by s. 2 of Madras Act III of 1921.

[2] The words " the revenues of the Province " were substituted for the words " the cattlepound fund established under the provisions of Act III of 1857, which fund shall be available for payment of all expenses incurred under the provisions of this Act " by the Adaptation Order of 1937 and the word " State " was substituted for " Province " by the Adaptation Order of 1950. Now the consolidated fund of the State.

Reward to informer.

Provided that it shall be lawful for the officer inflicting a fine under this Act to direct any portion thereof, not exceeding one-half, to be paid to the informer.

Power to make by-laws.

18. It shall be lawful for the [1] [State Government] by notice published in the [2] [Official Gazette] to make and prescribe such by-laws as may from time to time seem necessary for the more effectually preventing the spreading of infectious or contagious diseases among animals; provided that such by-laws shall not be repugnant to the provisions of this or any other Act.

Penalty for breach.

A breach of any such by-laws shall render the party liable on conviction before a Magistrate, to a fine not exceeding rupees ten, commutable to simple imprisonment for fifteen days.

MADRAS ACT No. IV OF 1866. [3]

[THE MADRAS ENFRANCHISED INAMS ACT, 1866.]

[*30th August 1866*; *24th September, 1866.*]

An Act to exempt enfranchised village or other service inams, whether Revenue or Police, from the operation of Regulation VI of 1831 [4].

Preamble.

WHEREAS in the Madras Presidency certain inams attached to hereditary village or other officers in the Revenue and Police Departments—the claims connected with which are, under the provisions of Regulation VI of 1831, [4] exclusively adjudicable by the officers of Government in the Revenue Department—have been, and may yet be, under sanction of Government, enfranchised from the condition of service and

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[3] Short title, "The Madras Enfranchised Inams Act, 1866" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901). As to the true intent and meaning of this Act, *see* Madras Act VIII of 1869.

The Act has been extended by a notification under section 5 of the Scheduled Districts Act, 1874, to the Ganjam and Vizagapatam Agencies, the taluk of Bhadrachalam and the Muttas of Guditeru and Dutcharti in the East Godavari Agency. *See Fort St. George Gazette*, 1930, Pt. I, p. 553. It is also in force in the rest of the Godavari Agency except the Nugur taluk.

[4] Regulation VI of 1831 has been repealed except in the Scheduled Districts by the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895).